



July 24<sup>th</sup>, 2014

The Honorable Kim R. Gibson  
United States District Court Judge  
104 Penn Traffic Building  
319 Washington Street  
Johnstown, PA 15901

Dear Judge Gibson,

I am confident that others have written you about Mr. Herman's lifetime contributions and good works for his community, family and friends. If Your Honor will indulge me, I would like to share with you the powerful ripple effect Mike Herman has had on others and me.

I am ten years younger than Mike and have known him the last seven years. I met him at a fundraising event at the San Diego Air and Space Museum. The purpose of the event was to raise money for educational opportunities for local children. I had no idea that night, what a profound effect Mike Herman would have on shaping my own understandings of what it meant to really care for others.

My business career has brought me enormous financial success and all the associated trappings. Simultaneously to meeting Mr. Herman, I was at the beginning stages of examining what the fourth and last quarter of my life would be about. Was it about self-indulgence or legacy? Was legacy simply vanity and ego memorialized? As I struggled with these questions I kept being drawn back to Mike Herman as an example of a man who quietly and privately contributed to others. Everywhere I turned Mike was changing someone's life for the better. I found myself repeatedly being inspired by him and seeking his counseling and mentorship.

Clearly I wanted to follow his example. Mike invested his time and generously shared with me his own vision of what it meant to be a man, to care, and the responsibility he had as a successful person to give back.

A direct result of Mike's example, my family created a charitable foundation that has spent millions of dollars helping returning veterans, single mothers in need, hospice care organizations and educational programs for disadvantaged children and we will continue to do so.

Mike Herman is that rare individual who ignites the very best in everyone fortunate enough to know him.

Sincerely,

A handwritten signature in black ink, appearing to read "James M. Slattery".

James M. Slattery  
Founder and Chairman of the Board

The Honorable Kim R. Gibson  
United States District Court Judge  
104 Penn Traffic Building  
319 Washington Street  
Johnstown, PA 15901

Dear Judge Kim R. Gibson,

I am an elementary school art teacher in Dallas, Texas, and came to know Michael through his son, Nico, more than 6 years ago. Right from the first hug, Michael gave me the boost I needed to remember that people can really care about you, change you, and inspire you.

I met Michael and his loving wife, Maria, after they kindly opened their home to me for Thanksgiving in November of 2008. I had been away from my parents for too many months, having just started attending a college far away from home. I missed my own family deeply and could not imagine saying hellos and making lame small talk with older people I had never met before – and felt truly – that they would be completely indifferent to me. I had a very negative outlook on life, and did not see good in people.

Nico, their son, extended his parents' invitation to join them for Thanksgiving.

Upon arriving at their home, I was stunned to be greeted so warmly – Michael and Maria giving everyone big hugs – and asking how everyone is doing; and how is your family, and how are your studies, and being so completely open hearted. It was strange being in this new world with strangers – and the rest of Thanksgiving was much like that. To my memory, almost 30 or more people came to Thanksgiving. It seemed like they invited everyone – sons and their wives and children, cousins, sisters, aunts and uncles – there were so many children there. We played board games and charades – it was actually quite magical.

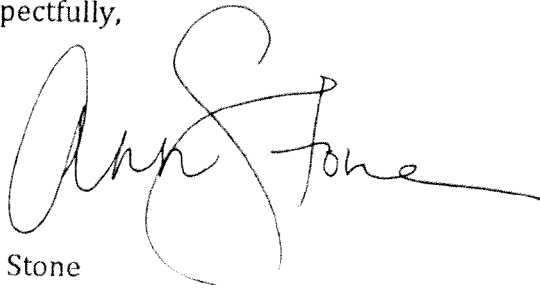
In that first meeting I learned so much about Michael and the values he believed in: family is the most important aspect in ones life; to be caring and understanding to everyone; and to help others in any way possible.

Over the years, I have also learned Michael does not boast about himself or the good he does in the world. One of the best moments was when I noticed a hat he was wearing: this tan, bland, rough cap – totally boring and nondescript – but I noticed it had about eight or so signatures on it. I asked him about it – expecting him to tell me about some concert or baseball players or whatever else people have signed caps for. His face warmed and he told me it was signatures from athletes in the special Olympics, that he has the honor of flying them to their games, and that he has so much respect and love for these athletes. He deeply admires their humor, skill, and

passion. It occurred to me that Michael cared so much about people – from all walks of life, and he also has the humility to help them in generous ways that has a significant impact on their lives without bragging to people about the good that he's done. That's Michael. He is interested in doing good – Not the appearance of it, not the doing-it-because-someone-is-watching, not doing it to get ahead – just doing good because he needs to.

Michael's example is the reason I became an elementary school teacher. Sure, I could have been an artist, moved to L.A., or such, but I became a teacher in one of the lowest socioeconomic areas of Dallas. The students face many challenges, but all they need is someone to care about them, to give them a chance to shine, and to show them that despite whatever they go through in life, someone will always be there to help them, to ask them how are they really doing, and to give them the boost they may need to get through the complex, scary, amazing gift that is life.

Respectfully,

A handwritten signature in black ink, appearing to read "Ann Stone". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Ann Stone  
Elementary Fine Arts Teacher  
Dallas, Texas

**Edward L. Turley**  
203 Poplar Drive  
Kentfield, California  
94904

**The Honorable Kim R. Gibson**  
United States District Court Judge  
104 Penn Traffic Building  
319 Washington Street  
Johnstown, PA 15901

July 30, 2014

**Re: Michael Herman**

Good morning Your Honor,

My name is Ed Turley. I recently became aware of the guilty plea entered by Michael Herman in your Court. When I asked, "What can I do to help?" of his counsel, a reference letter was the response I received. Michael has not asked me to do so, nor have we discussed this letter in any way.

Who I am, what I have or have not accomplished in my six decades of living is not important. Context however, is. I am a man who is frightened as I can see my seventieth birthday far too quickly approaching. I find I have become more reflective as I age, questioning the decisions, thoughts, actions and words of my life. As I reflect on what Michael is facing, I am terrified by the discovery of what I too, am capable of. I have never been more acutely aware of my own depravity. So, allow me to simply say, this is a letter from an Observer, a terrified Observer nothing more, nothing less.

I am not writing to you today Judge Gibson, to explain or justify why Michael did what he did. No explanation or justification is necessary or, in my view, relevant to the purpose of this letter. I am writing this letter seeking another answer or making another request, which I will address in a moment.

Many will write you who have known Michael for twenty years or more. I have not had that benefit. During the decade I have known Michael, I have never conducted business with him, nor been involved in a transaction. Simply put, I have been an Observer for all of these years.

(2)

The Honorable Kim R. Gibson

Our relationship does not come from the marketplace but rather the community. I cannot speak to his success, or failures, in business. I can only speak to Michael's success, as I have witnessed them, in the Community. I can speak to my observations as I have served along side of Michael on many committee's and boards.

The title I would ascribe to Michael is "Servant." What I have witnessed is the unselfish giving of his time, money and heart to those who are and were, not only disadvantaged, but also less advantaged such as sick children, Veterans Airlift and Wounded Warriors. In fact Your Honor, I have never heard him say "No" to anyone who asked for his time, money or support.

This is not the behavior I would expect from the "Felon." That title however, is the title he must now wear, for the rest of his life. I would suggest, this is severe punishment. Honor, has been lost, pride has been destroyed. Is this enough some might ask? I would suggest it is and further say, these are the very issues young men and women have given their lives for since the founding of this great country. Michael has been judged, found guilty and society has witnessed... Justice as it was intended.

As I ponder the words judgment and justice, I find myself running off after the issue of who gets to define them. Upon reflection, it seems to me, the Jurist on the bench in America today is permitted to define little of either. Rather, the Jurist must "judge" and, for the most part, is directed how to do so. Our country has volumes written on the Law, how it is to be enforced, interpreted and dispensed. Judge, judgment, justice, justify all words from the same root, as you know better than most. There are areas in which you are permitted discretion, most important of those now for Michael is the penalty, or payment. In this area, I am advised you do indeed, have discretion.

Your Honor, I donot know how any could carry that weight, it is far too great. I mean these words in the most genuine way. You have the burden to decide the severity of the penalty. In this Your Honor, you have my prayers.

I would argue it is your job to dispense Mercy. Judgment has been made, justice has been served, now the truly overwhelming burden... The penalty, the... Propitiation.

(3)


The Honorable Kim R. Gibson

Judge Gibson, it is my sincere hope that our society places greater emphasis on restoration and redemption than on punishment. On these beliefs, volumes have been written. My belief is that there cannot be any redemption or restoration without repentance and confession. Believe me, as an Observer who knows Michael Herman, there has been confession and repentance but also, perhaps more so, great shame and sorrow.

I believe every man, and I do mean every man, will come before the Bema Seat, Michael is there now. For that reason and that alone, I write today to ask you for Mercy. A wise man once said: He is no fool who gives what he cannot keep to gain what he cannot lose. Mercy!

Thank you for your time in reflecting on my observations, may God bless you.

Very Truly Yours,



Edward L. Turley



979 Scott Street  
San Diego, CA 92106

August 7, 2014

The Honorable Kim R. Gibson  
United States District Court Judge  
102 Penn Traffic Building  
319 Washington Street  
Johnstown, PA 15901

Dear Judge Gibson,

I am Michael Herman's best friend. We live about one mile apart in the Point Loma area in San Diego.

I do not know if the character of a character witness is important. In case it is, here is an overview of my background, which I hope is a good indication of my character.

- U.S. Naval Academy graduate 1967
- U.S. Naval Nuclear Power Program graduate 1968
- USS Patrick Henry, Nuclear Submarine Engineering Officer 1968-1971
- Harvard Business School MBA 1973
- Booz Allen & Hamilton 1973-1998. Managing Officer United States, Board of Directors.
- Oracle Corporation 1998-2001. Executive Vice President Oracle's 400 largest clients. Executive Committee.
- V-Vehicle Company 2006-2010. Founder and CEO.

I met Mike Herman in 2004, the year after my wife and I moved into our current home in San Diego. A mutual friend, Dennis Connor, introduced us because Mike and I shared many interests. My wife and I had been going to San Diego for the previous 15 years, mainly for competitive sailing with and against Dennis but I had not met Mike until moving into our home full time that year.

Mike and I grew up on Long Island, NY. We both had successful business careers. Mike was an entrepreneur and I was the leader of a large consulting firm, Booz Allen and Hamilton, then an Executive Vice President at Oracle Corporation, and most recently the founder and CEO of V-Vehicle Company. In addition, Mike is an avid sailor and yachtsman, a superb pilot, a member of the San Diego Yacht Club, active in visiting friends and family on the East Coast, and very involved with the San Diego community. I share all of these activities and interests with Mike.

As a result, I have had the enormous pleasure of getting to spend a huge amount of time with him during the last ten years. In addition to being best friends, I believe I know Mike as well as anyone and the same is true for him about me. We know each other's extended family members well, we have many common friends, and we think the same about people and business.

This is the kindest, most caring person I have ever met. He is totally selfless. He is generous, without ever seeking any kind of recognition, attention or reciprocity. He has nurtured these qualities in his family and earned the love and respect of his family and friends.

The first time I saw this was in Mike's interaction with his family. He had serious, life-threatening medical problems that he was just getting over when I met him. The obvious love that this patriarch of the family received was evident from the numerous family members from all over the United States that came to San Diego to visit him, cared for him and clearly would do anything for him during this difficult period. In addition, the care shown by his doctors and friends was clearly heartfelt. It was immediately apparent they adored this man, respected him, and that he had created a community of family, friends, business associates and doctors that deeply cared about him.

As he recovered, we went boating and flying together. San Diego Yacht Club has numerous events for underprivileged children, cancer victims, military families facing hardships, and wounded military veterans. Mike and I have participated in many of these over the years.

As a pilot, I have had the privilege of flying with Mike many times. He is extremely active in the aviation community. He is a mainstay in the EAA effort to increase young peoples' interest in aviation and he serves on aviation boards and technical committees without compensation.



He serves as a member of the Flying Angels, a network of pilots who volunteer to fly needy people to get necessary medical attention. I have flown with Mike on many of these flights, perhaps a dozen, and he has flown many more without me, perhaps one a quarter or more. The passengers on these flights are often children with cancer or other serious medical problems or wounded veterans and their family members. While many corporations combine business travel with these flights, many of Mike's flights are solely for the purpose of helping these people.

My elderly father, in a NY Veteran's Home, seemed to be in declining health and to be getting depressed. Mike knew that whenever Dad came to San Diego to visit us his vigor, health and mood improved. Mike very generously offered to fly me and my wife to New York to pick up Dad, his nurse and other family members and bring all of us back to San Diego.

Mike has also personally stepped in when a friend or family member had a health problem. He has talked a resistant friend into getting medical help, then took him to the hospital for what could very well have been life saving treatment. He brought a relative in from overseas and paid for his surgery.

In the San Diego community, Mike and his wife Maria have been very generous with their time, money and leadership of local charities, principally Makua and Voices for Children, which help foster children improve their situations. They have many events to raise money at their home and have contributed much time and a lot of money to these charities. Also, in the Altoona Pennsylvania area, I know that he and his company, North American Communications, are very active in charitable causes.

He has had a huge impact on job creation as a result of his successful business, North American Communications. I have met many of the managers of the company and seen the plant in Mexico near El Paso, as well as the Altoona complex. Well over one thousand people are employed and the company is critical to both communities as a very large employer. Mike's focus in these companies now is as a mentor, senior advisor, sounding board, following his career as a very hands on leader and operator of the business.

I drew on his expertise personally when I created and led a new American car company, V-Vehicle. The company's purpose was to create, manufacture and sell a new, well-equipped car for a price of \$10,000. The car was to be sold at Wal-Mart or Costco.

Mike acted as an expert but unpaid advisor to this 2006 company. In 2010, the Federal Government declined to advance a loan necessary to complete a plant that was being built for V-Vehicle. The Advanced Technology Vehicle Manufacturing program, created by President Bush and administered later by President Obama, funded Testla for \$480 million. When the government declined the V-Vehicle loan, the company failed, after raising about \$200 million of private and state funding. This was devastating to the Company, its employees and the people of Louisiana. Thousands of potential jobs that would have revived a depressed economic area in Louisiana where the plant was to be located were lost.

Of course, this was a very difficult period for me, as well as for all of the employees. Mike was with me throughout this period and his friendship helped me get through it.

In short, Mike's hard work, leadership, perseverance and generosity have had a very beneficial impact on children and adults in need of help and on family, friends and several communities.

I have never had a friend like Mike. Unquestionably, he exemplifies what friendship is all about to me. I would do whatever I could, whenever I could, for him. I feel certain he would do the same. I am privileged to know him and have him as my best friend.

Sincerely,

A handwritten signature in black ink, appearing to read 'Frank A. Varasano', written in a cursive style.

Frank A. Varasano

Exhibit 85



**Bruce N. Whitman**  
President & CEO

July 28, 2014

The Honorable Kim R. Gibson  
United States District Court Judge  
104 Penn Traffic Building  
319 Washington Street  
Johnstown, PA 15901

Dear Judge Gibson,

This letter is written on behalf of Michael Herman who I understand will come before you for sentencing related to offenses regarding his personal taxes.

I have had the privilege of knowing Michael for over 20 years on both a professional and personal basis. Enclosed is my background. He has been blessed with a good family which includes 7 children, 12 grandchildren and 4 great grandchildren. In addition to spending time with them, he has been most generous in flying for the Corporal Angel Network and Angel Flight. Both transport cancer patients. Michael also uses his aircraft for the Veterans Airlift Command and the Citation Airlift for the Special Olympics.

Michael serves on the San Diego Air and Space Museum Board. He is very engaged in helping children and senior citizens. He and his wife are also philanthropists and have raised funds for the Voices for Children, an advocacy program that trains Court Appointed Advocates to represent foster care children in San Diego county. Michael has been a volunteer on the 500 Tech committee for the past 15 years, giving back to the aviation community. He is also on the Young Eagles Committee which raises money to encourage our youth to pursue aviation careers.

My understanding is that Michael Herman has an unblemished record prior to his current plea. I have always found him to be honest, reliable and a very good friend. Hopefully his good character, selflessness and contributions on behalf of others will be evaluated appropriately.

Thank you for your consideration on Michael's behalf.

Respectfully,

A handwritten signature in black ink, appearing to read "Bruce Whitman", with a stylized flourish at the end.

Heather Young - Herman  
Wyckoff, New Jersey

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August 10, 2014

The Honorable Kim R. Gibson  
United States District Court Judge  
104 Penn Traffic Building  
319 Washington Street  
Johnstown, PA 15901

Dear Judge Gibson,

Michael Herman is one of the most kind, caring, loving, generous men you will ever meet . I know because I am lucky to be his daughter-in-law.

There hasn't been a time when we have been at some sort of function where someone hasn't come up to me or my children and said " Mike Herman has really changed our lives for the better". To hear that over and over again reminds you of how great a man he truly is. He often helps families who can not afford to even travel to visit their sick child in the hospital or to get their child to the best hospital for appropriate care. He has always loved to fly since he was 16 years old and has often used this ability to help people.

Mike Herman adopted my husband Peter and other siblings and raised them and loved them as if they were always his children. He has always been there for his children and his family. He takes care of so many people and he cares about so many people. He is always there for everyone.

I have never met anyone who has impacted so many lives in such a positive way.

Sincerely,  
Heather Young-Herman



Joseph R. Zeno  
President & CEO

July 24, 2014

The Honorable Kim R. Gibson  
United States District Court Judge  
104 Penn Traffic Building  
319 Washington Street  
Johnstown, Pa. 15901

Dear Judge Gibson,

My name is Joseph Zeno and I am Chief Executive Officer of ACS Industries, Inc. a heavy metal producer of attachments for the construction equipment industry. I have known Mike Herman for a number of years as a result of our both being pilots and active together in various aviation related organizations. For the last three years we have served together as board members of Citation Jet Pilots Association, a national organization dedicated to pilot safety.

In my experience I know Mike to be a caring, generous person in all respects. I have personally experienced his giving of both time and financial resources for the betterment of both individuals and organizations on numerous occasions. He is an unpaid director and contributing member of both the National Business Aviation Association and Citation Jet Pilots Association. Mike, being one fortunate enough to own and fly a jet airplane, over many years he has donated his time and airplane for philanthropic good. He has flown missions for Veterans Airlift Command, Wounded Warrior Project, Special Olympics and Corporate Angel Flights to name but a few. I am personally aware of numerous occasions where Mike has flown people in need, especially children, for medical treatment or for some other event important in their lives. His philanthropic giving, especially to enhance the lives of people and the community, serves as a strong example to me.

I am not sure all of the issues here but I do understand that all choices have consequences. I also personally know Mike Herman as a good family man and a giving, stand-up guy of good values and strong character. His belief and practice of giving back throughout his life has my admiration.

I sincerely hope that the court will focus upon Mike's many and ongoing positive contributions to the community at large rather than one negative incident in a life otherwise well served. I would further hope for a favorable resolution to this matter. In my opinion both justice, fairness and the community at large would be best served in that manner.

Respectfully,

A handwritten signature in dark ink, appearing to read "Joseph R. Zeno".

Joseph R. Zeno  
Chief Executive Officer  
ACS Industries, Inc.

Hillcrest Surgical  
Medical Group, Inc.

4060 Fourth Avenue, Suite 330  
San Diego, California 92103  
619.298.9931

Eugene Rumsey, Jr., M.D., FACS  
Laurence K. Tanaka, M.D., FACS  
George G. Zorn, M.D., FACS  
Janos Taller, M.D.

July 29, 2014

Richard J. Zack, M.D.  
3000 Two Logan Square, Eighteenth and Arch Streets  
Philadelphia, PA 19103-2799

RE: Herman, Michael

Dear Mr. Zack:

This letter will serve to describe the medical condition of Mr. Michael Herman and my involvement as the surgeon. I have taken care of Mr. Herman since March 3, 2003 when he required emergency colon surgery for a colon perforation and massive hemorrhage. Within hours of this operation he developed a life threatening flesh-eating infection of the abdominal wall with gas gangrene organisms. The expected survival in this type of circumstance is considerably less than 10%. Mr. Herman required in excess of 25 operations, sometimes two surgeries per day to effectively excise portions of the abdominal wall and lower extremities as the necrotizing process progressed. Ultimately, Mr. Harman did survive although he has lost the considerable portion of the musculature and skin of the abdominal wall, chest, back, and lower extremities. Massive amounts of skin grafting were necessary to cover these defects.

Mr. Herman's subsequent course has been medically complicated with MRSA infections, which is a methicillin resistant staphylococcus organism. He will from time-to-time present with recurrent infections of the abdominal wall requiring specific types of antibiotics to treat this process. Patients who have had MRSA infections are always isolated in hospitals, with special gowns required by all nursing and medical personal that enter the patients' hospital room. The staphylococcus organism is highly contagious and the only means of preventing spread to the general hospital population is through isolation and the use of barrier techniques such as gowns and gloves, which are discarded every time a person leaves the room and a new gown is used every time they reenter the room. This is a very burdensome measure, but is absolutely necessary and a requirement not only at Scripps Mercy Hospital in San Diego, but in all hospitals throughout the United States.



Hillcrest Surgical  
Medical Group, Inc.

4060 Fourth Avenue, Suite 330  
San Diego, California 92103  
619.298.9931

Eugene Rumsey, Jr., MD, FACS  
Laurence K. Tanaka, MD, FACS  
George G. Zorn, MD, FACS  
Janos Taller, MD

Herman Michael  
Page 2

My most recent medical intervention with Mr. Herman occurred on 07/21/14 when he presented with a recurrent infection of the abdominal wall. This is similar to those he has developed in the past. Pictures of this process were taken and are available on my medical files and can be produced upon request. Mr. Herman is currently taking antibiotics, requiring a second course of antibiotics, as the initial antibiotic was not effective. It is not surprising that resistant organisms are present in Mr. Herman as he has had so many courses of antibiotics over the years.

Of note is that Mr. Herman continues with his philanthropic lifestyle, with major donations to Mercy Hospital, to Mercy Outreach Surgical Team, which is an endeavor where a group of 50 medical volunteers travel to Mexico for one week two to three times per year operating on children with birth defects. Mr. Herman additionally will fly children to medical appointments all over the country and recently returned from a cross country trip in his private jet, taking children to the Cancer Hospital in New York from their home in one of the southern states. Without Mr. Herman providing this amazing gift, these children could not be seen by cancer specialists in these distant locations. I will be happy to answer any questions regarding my comments above. I can be reached at my office #619/298-9931

Sincerely yours,

A handwritten signature in black ink, appearing to read "Eugene Rumsey Jr MD". The signature is fluid and cursive, with a large, stylized "E" and "R".

Eugene W. Rumsey, M.D., F.A.C.S.  
EWR/ks

The Honorable Kim R. Gibson  
United States District Court Judge  
104 Penn Traffic Building  
319 Washington Street  
Johnstown, Pa. 15901  
July 21, 2014  
Your honor,

My name is Michael Shelby and I am married to Michael Herman's daughter Petrina Herman

I have known Michael Herman for over 20 yrs and I am writing on his behalf. My perspective is from my background as a veteran, a business man, and as a political and community activist. I was Chairman of the Board of the Anti-Defamation League in three New York counties President of the JFK Airport Chamber of Commerce and I have run for several political offices in San Diego including Mayor of San Diego in 2006. I have owned and operated San Diego Harley- Davidson since 1993.

Michael Herman has been a friend of mine since the early 1990's. He has given me valuable advice and guidance on many occasions but I have learned more from following his example. His generosity seems to know no bounds and extends way beyond charitable donations. Mike gets involved with organizations and with the individuals that they help. It's the sincerity of his actions however that stands out to those who know him that may be his most endearing trait as well as what accounts for his huge success in influencing others to get involved in causes he believes in. But as important as all this its Mikes family values that impresses me most.

Clearly it's not unusual for a daughter to love her dad as Petrina does and as her sister and bothers do. What stands out is that Petrina and her brother Peter where adopted and feel as loved, as close to their dad and as much a part of his life and his family, although he and their mom divorced and he has been remarried for many years. He is also as much of a grandfather as anyone could be and as such he is loved and revered by each and everyone in this very extended family. This is not something I knew until the last few years and since December 2012 when I married Petrina.

Michael Herman is a very special person in so many ways the hardest thing for me to do is limit myself the first time he has asked for anything that wasn't for someone else.

Thank you for reading this and for your consideration

Sincerely,

Michael Shelby